

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID SLOANE,)	
)	
Petitioner,)	
)	Civil Action No. 04-40075-DPW
v.)	
)	
DAVID L. WINN,)	
)	
Respondent.)	

MOTION OF RESPONDENT DAVID L. WINN TO DISMISS

The Respondent David L. Winn, through his undersigned counsel hereby moves to dismiss the Petition For Writ of Habeas Corpus under 28 U.S.C. § 2241. In support of this motion the Respondent submits the accompanying Memorandum of Respondent David L. Winn in Opposition to Petitioner's Request for Relief and in Support of Motion to Dismiss.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ George B. Henderson, II
GEORGE B. HENDERSON, II
Assistant U.S. Attorney
John Joseph Moakley U. S. Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
617-748-3282

June 3, 2004

CERTIFICATE PURSUANT TO LR. 7.1(A)(2)

The Respondent takes the position that, because LR. 7.1(A)(2) requires "counsel" to confer, the Rule is inapplicable where, as here, plaintiff is proceeding pro se and is

incarcerated. To the extent the Court considers the Rule applicable, the undersigned requests that it be waived here.

/s/ George B. Henderson, II
George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Petitioner David Sloane, Reg. No. 48083-066, FMC Devens Camp, P.O. Box 879, Ayer, MA 01432 by first class, postage prepaid mail on this date.

June 3, 2004

/s/ George B. Henderson
George B. Henderson, II